

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW CASTANEDA,

Plaintiff,

v.

BARTON, *et al.*,

Defendants.

Case No. 1:20-cv-01088-DAD-BAM (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE AND STAYING CASE**

Hearing: **Settlement Conference**
Date: **April 26, 2022**
Time: **1:30 p.m.**
Judge: **Stanley A. Boone**
Location: **via Zoom Videoconference**

Plaintiff Matthew Castaneda (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Sherman for unconstitutional conditions of confinement in violation of the Eighth Amendment.

The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference on **April 26, 2022 at 1:30 p.m.** The Court will issue any necessary transportation order in due course.

Counsel for Defendant shall contact Courtroom Deputy Victoria Gonzales at (559) 499-5672 or vgonzales@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes, for all parties. Counsel for Defendant is also required to arrange for Plaintiff’s participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed and

1 providing the necessary Zoom contact information.

2 In issuing this order, there is a presumption that this case will proceed to a settlement
3 conference.¹ The parties shall each submit to Judge Boone a confidential settlement conference
4 statement, as described below, to arrive at least seven days (one week) prior to the conference.

5 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
6 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what the
7 restitution obligation is, but what the value of the case itself is to each side, irrespective of any
8 outstanding restitution obligation.

9 Defendant shall be prepared to negotiate the merits of the case and offer more than a waiver of
10 costs as a reasonable compromise to settle the case. The parties are also informed that an offer of
11 dismissal in exchange for a waiver of costs is not considered good faith settlement negotiations.

12 In accordance with the above, IT IS HEREBY ORDERED that:

- 13 1. This action is STAYED to allow the parties an opportunity to settle their dispute before the
14 discovery process begins. Except as provided herein or by subsequent court order, no other
15 pleadings or other documents may be filed in this case during the stay of this action. The
16 parties shall not engage in formal discovery, but may engage in informal discovery to
17 prepare for the settlement conference.
- 18 2. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
19 **application**, before Magistrate Judge Stanley A. Boone on **April 26, 2022, at 1:30 p.m.**
- 20 3. A representative with full and unlimited authority to negotiate and enter into a binding
21 settlement shall attend **via the Zoom videoconferencing application**.²
- 22 4. Those in attendance must be prepared to discuss the claims, defenses and damages. The
23 failure or refusal of any counsel, party or authorized person subject to this order to appear
24 in person may result in the cancellation of the conference and the imposition of sanctions.

25
26 ¹ If the case does not settle, the Court will then lift the stay of its Discovery and Scheduling Order or
27 issue one forthwith.

28 ² In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court may issue an order at a later date requiring the parties to appear in person.

1 The manner and timing of Plaintiff's transportation to and from the conference is within the
2 discretion of CDCR.

- 3 5. Defendant shall provide a confidential settlement statement to the following email address:
4 **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement statement
5 to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, "**Attention:**
6 **Magistrate Judge Stanley A. Boone.**" The envelope shall be marked "Confidential
7 Settlement Statement." Settlement statements shall arrive no later than **April 19, 2022**.
8 Parties shall also file a Notice of Submission of Confidential Settlement Statement (See
9 Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court
10 **nor served on any other party**. Settlement statements shall be clearly marked
11 "Confidential" with the date and time of the settlement conference indicated prominently
12 thereon.
- 13 6. The confidential settlement statement shall be **no longer than five pages** in length, typed
14 or neatly printed, and include the following:
- 15 a. A brief statement of the facts of the case.
 - 16 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
17 which the claims are founded; a forthright evaluation of the parties' likelihood of
18 prevailing on the claims and defenses; and a description of the major issues in
19 dispute.
 - 20 c. An estimate of the cost and time to be expended for further discovery, pretrial, and
21 trial.
 - 22 d. The party's position on settlement, including present demands and offers and a
23 history of past settlement discussions, offers, and demands.
 - 24 e. A brief statement of each party's expectations and goals for the settlement
25 conference, including how much a party is willing to accept and/or willing to pay.
 - 26 f. If parties intend to discuss the joint settlement of any other actions or claims not in
27 this suit, give a brief description of each action or claim as set forth above,
28 including case number(s) if applicable.

